



IDEM Update

Tri-State Utility Environmental Conference

May 19, 2016

Carol S. Comer, Commissioner

Indiana Department of Environmental Management

Indiana: The State that Works!

In the past three years:

- Indiana has added almost 140,000 new jobs and reduced the unemployment rate from over 8% to just 4.4%
- Indiana consistently ranks in the top 10 best states in which to do business



IDEM: Protecting Hoosiers and Our Environment While Becoming the Most Customer-Friendly Environmental Agency

IDEM's mission is to implement federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial and government activities vital to a prosperous economy.

How Does IDEM Protect Hoosiers and Our Environment?

- Developing regulations and issuing permits to restrict discharges to environmentally safe levels.
- Inspecting and monitoring permitted facilities to ensure compliance with the permits.
- Using compliance assistance and/or enforcement when people exceed their permit levels or violate regulations.
- Educating people on their environmental responsibilities.
- Cleaning up contaminated sites to eliminate public exposure to toxics and returning properties to productive use.

Performance Metrics April 2016

Result

Targets

Comments

Quality of Hoosiers' Environment

% of Hoosiers that live in counties that meet **air quality standards**

91.00%

100%

80%

Ozone in Clark, Floyd, Greene and LaPorte Counties; Muncie Lead; Sulfur Dioxide in parts of Daviess, Marion, Morgan, Pike and Vigo Counties.

% of **CSO Communities** with approved programs to prevent the release of untreated sewage

98.17%

100%

90%

98+9 (107) out of 99+10 (109).
Not Gary and Hammond.

% of Hoosiers that receive water from facilities in full compliance with **safe drinking water standards**

97.57%

99%

95%

Due to the implementation of Stage2 Disinfection/Disinfectant ByProducts Rule affecting medium and small size public water systems that sell and purchase water, the Maximum Contaminant Level (MCL) for Total Trihalomethane and Haloacetic Acid cannot be met. The MCL levels have been reduced, thus many noncompliant systems.

Permitting Efficiency

Total calendar days accumulated in issuing environmental permits, as determined by state statute*

Land	24,819	37,128	41,496	43,680 statutory
Air	25,873	49,814	55,675	58,605 statutory
Water	37,178	67,346	75,269	79,230 statutory

* Places emphasis on back logged permits

Compliance

Total percentage of compliance observations from regulated customers within acceptable compliance standards*

Inspections	97.34%	97%	75%
Self reporting	96.56%	99%	95%
Continuous monitoring (COM)	99.89%	99.9%	99%

* Tracks observations and not just inspections

Performance Metrics June 2005

Quality of Hoosiers' Environment

% of Hoosiers in counties meeting air quality standards	61%	100%	80%	12 counties and 2,408,571 of 6,195,643 residents above standard
% of CSO Communities with approved programs to prevent the release of untreated sewage	4%	100%	20%	75% by 2007 is goal

Permitting Efficiency Total calendar days accumulated in issuing environmental permits, as determined by state statute*

Land	100,013	66,565	86,864
Air	511,000	207,000	385,000
Water	301,000	48,000	200,000

* Places emphasis on back logged permits

Compliance Total percentage of compliance observations from regulated customers within acceptable compliance standards*

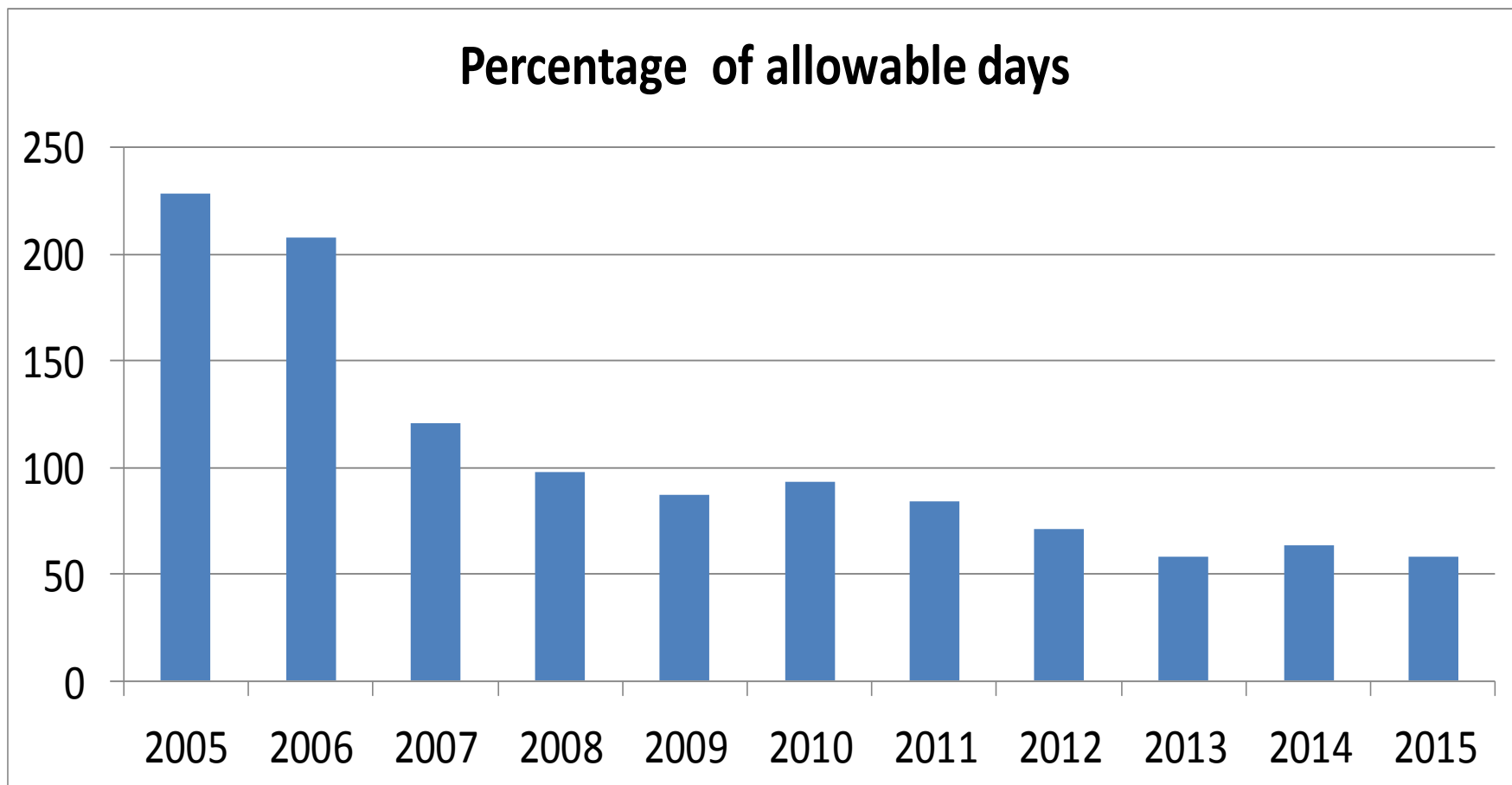
Inspections	95.46%	97%	75%
Self reporting	97.11%	99%	95%
Continuous monitoring (COM)	99.19%	99.90%	98.95%

* Tracks observations and not just inspections

Organizational Transformation Budgetary agency dollars spent on **key** outside contracts for core agency functions.

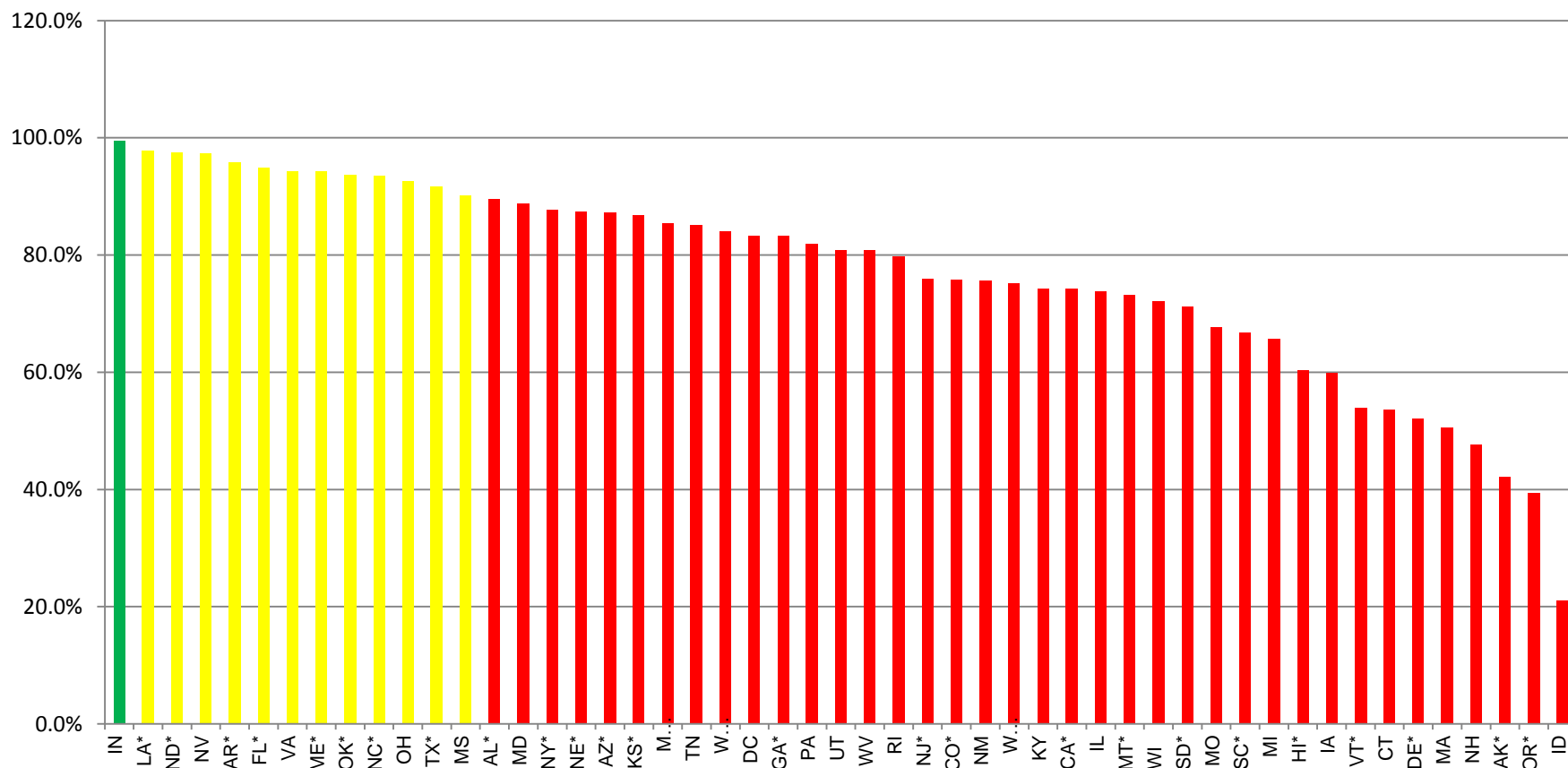
Dollars spent on outside services per year	\$6,179,367	\$0	\$3,447,017
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Permits – Percent of Statutory Days

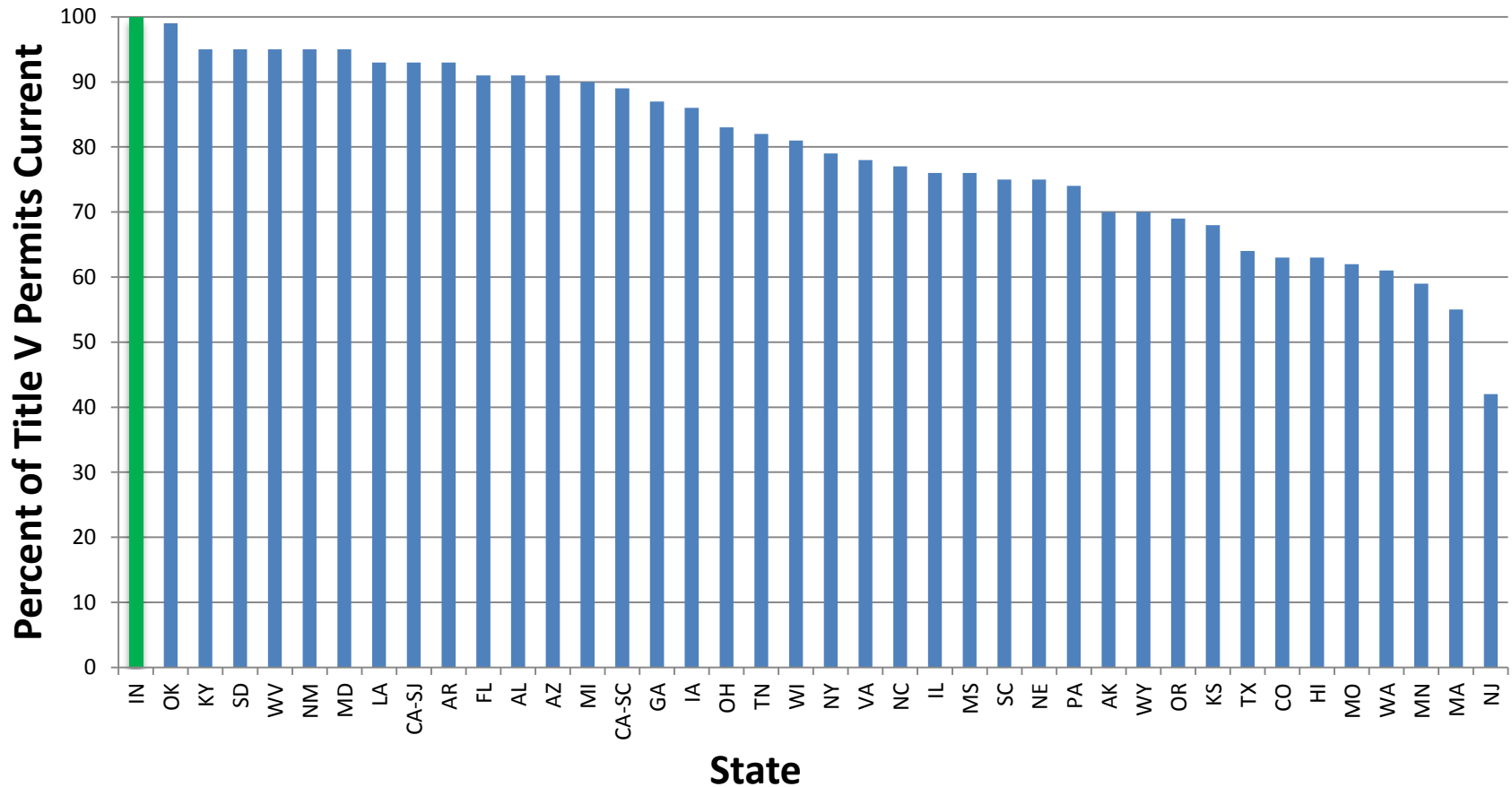


Indiana is Best in NPDES Permitting

Total % Current Wastewater Permits



Indiana is Best in Air Permitting



IDEM Inspects Facilities Regularly

- Full compliance evaluations of Part 70 sources once every two (2) years;
- Full compliance evaluations of all Federally Enforceable State Operating Permits once every five (5) years;
- Inspect all Treatment, Storage and Disposal Facilities every two (2) years;
- Compliance inspections at all Confined Animal Feeding Operations every five (5) years;
- Inspect each underground storage tank once every three (3) years;
- Inspect each major and minor NPDES Permitted facility every two (2) years; and
- Inspect each general permitted facility every four (4) years.

WATCHDOG REPORT:

***New York and other states have
fallen far behind schedule in scrutiny
of Clean Water Act facilities***

“In Indiana, where pollution review rules apparently are observed, **91 percent** of all facilities have been inspected in the last five years. In West Virginia, only 25 percent have been inspected.”



Press and Sun-Bulletin, July 3, 2014.

Compliance and Technical Assistance

- The Compliance and Technical Assistance Program (CTAP) provides assistance to help Indiana businesses understand and comply with environmental regulations. CTAP is:
 - **Non-Regulatory** – CTAP staff are not regulators and do not have regulatory authority. Therefore, businesses will not be penalized for reporting relevant environmental information to CTAP staff when requesting assistance.
 - **Free and Confidential** – While the CTAP serves as a liaison between the regulatory agencies and businesses, no details about the company working with CTAP is provided to regulators, as the information is protected under Section 507 of the Clean Air Act.
 - **Assistance** – CTAP provides assistance through an on-site visit or via phone and will provide a full compliance review or just target a single issue. It also develops training programs, brochures, and webinars to help businesses understand the state and federal environmental regulations that affect them.
 - **Multi-Media** – While most of the assistance provided is related to air regulations, staff also provides assistance related to water, land and Community Right to Know regulations.
- CTAP provides assistance to businesses that contact it directly, to businesses referred to it by regulatory inspectors or permit writers, and to businesses that CTAP identifies as impacted by new EPA or state regulations.

Contact us if you need assistance

Hotline: 800-988-7901

Email: CTAP@idem.in.gov

Website: <http://www.in.gov/idem/ctap/>

Voluntary Recognition Programs for Businesses

Goals: Promote pollution prevention & achieve measurable reduction of pollution in Indiana



- Eligibility contingent on:
 - Good environmental compliance standing
 - Partners Pledge
- Quarterly Networking meetings
- Innovation sharing
- 92 Members
- partners@idem.in.gov
- 1-800-988-7901



- Eligibility contingent on:
 - Established Environmental Management System and ISO Certification
 - Good environmental compliance standing
 - Commitment to continuous environmental improvement
- Regulatory Incentives
- 54 Members
- esp@idem.in.gov
- 1-800-988-7901

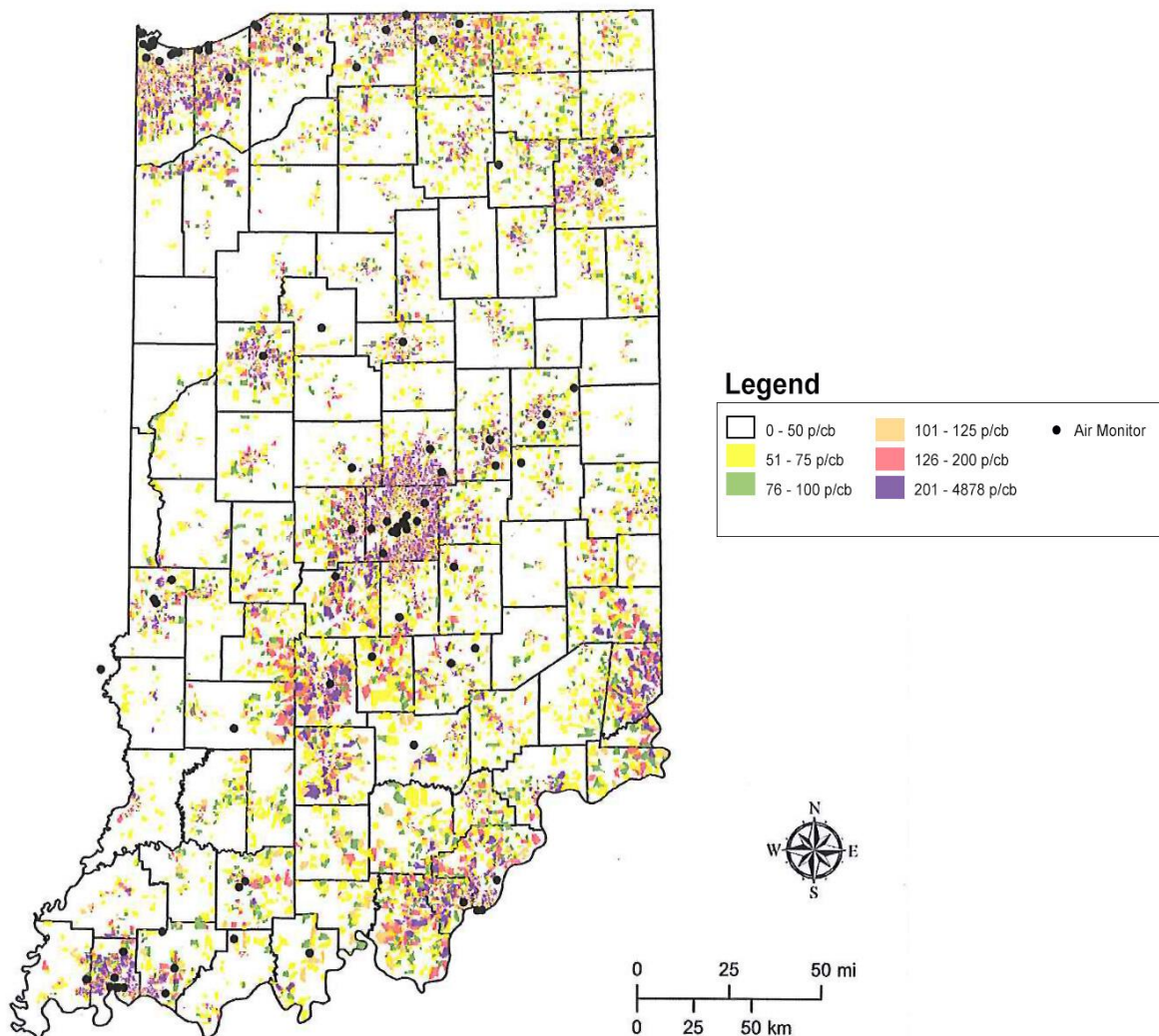
Enforcement Statistics:

Media	2013	2014	2015
Air	81	117	112
Water	95	84	47
Hazardous Waste	31	34	23
Solid Waste	16	20	22
UST/LUST	12	30	15
CFO	12	23	22
TOTAL	247	308	241

Indiana's Air Quality

At the end of 2009, all areas of the State of Indiana met every National Ambient Air Quality Standard in effect for the first time since the NAAQS were established in the 1970s.

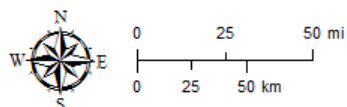
State Monitoring Network



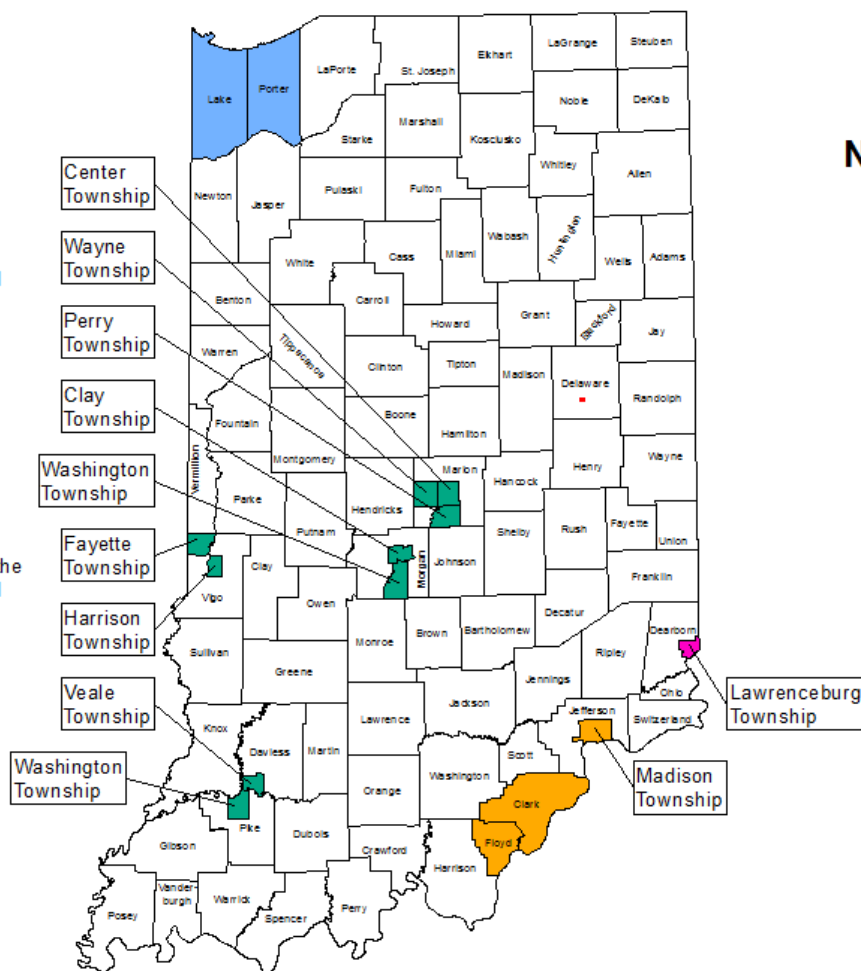
Current Air Quality

Legend

- Nonattainment for the 1997 Fine Particle Annual Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard
- Nonattainment for the 2010 SO₂ 1-Hour Standard
- Nonattainment for the 2008 Lead Standard
- Nonattainment for the 2008 Ozone 8-Hour Standard and the 1997 Fine Particle Annual Standard



Mapped By: B. Callahan, OAQ
Date: 03/18/2015
Source: IDEM
Map Projection: UTM Zone 16 N
Map Datum: NAD83



Current Nonattainment Areas

Current Air Quality

- Nonattainment areas include:
 - Ozone Standard (Lake and Porter counties, based on Chicago's air quality).
 - SO₂ 2010 Standard (parts of Daviess, Marion, Morgan, Pike, and Vigo counties)
 - PM_{2.5} 1997 Standard (Clark, Floyd counties and parts of Jefferson and Dearborn counties)
 - Lead 2008 Standard (part of Delaware County)
 - Ozone 2008 Standard (part of Dearborn County)
- All nonattainment areas, with the exception of SO₂, are anticipated to be redesignated to attainment by the end of 2016.

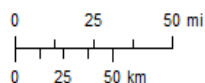
Ozone

- 10/1/2015 revised standard promulgated (0.070 ppm).
- 10/1/2016 states submit designation recommendations.
 - Based on monitored data within Indiana, all counties will be recommended as attainment.
 - 2016 monitor data within the Chicago-area and Cincinnati-area will need to be closely observed.
- 10/1/2017 U.S. EPA finalizes area designations.

Ozone

Legend

- Ozone Design Value Less Than or Equal to 0.070 ppm
- Nonattainment for the 2008 8-Hour Ozone Standard



Notes:

- Posted Data Are in Units of Parts per Million (ppm)
- Posted Data Represent Ozone 8-Hour Average Design Values, 2013 - 2015

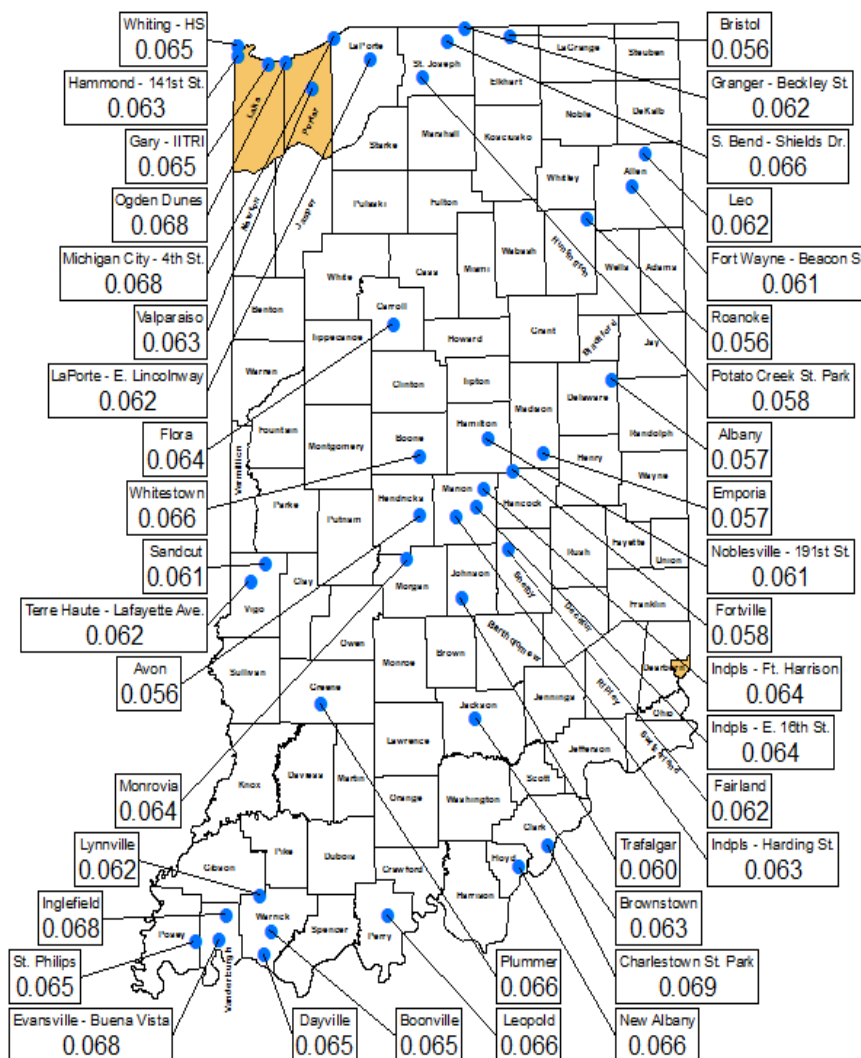
Date: 03/30/2016

Mapped By: C. Mitchell, OAQ

Sources: Office of Air Quality

Map Projection: UTM Zone 16 N

Map Datum: NAD83



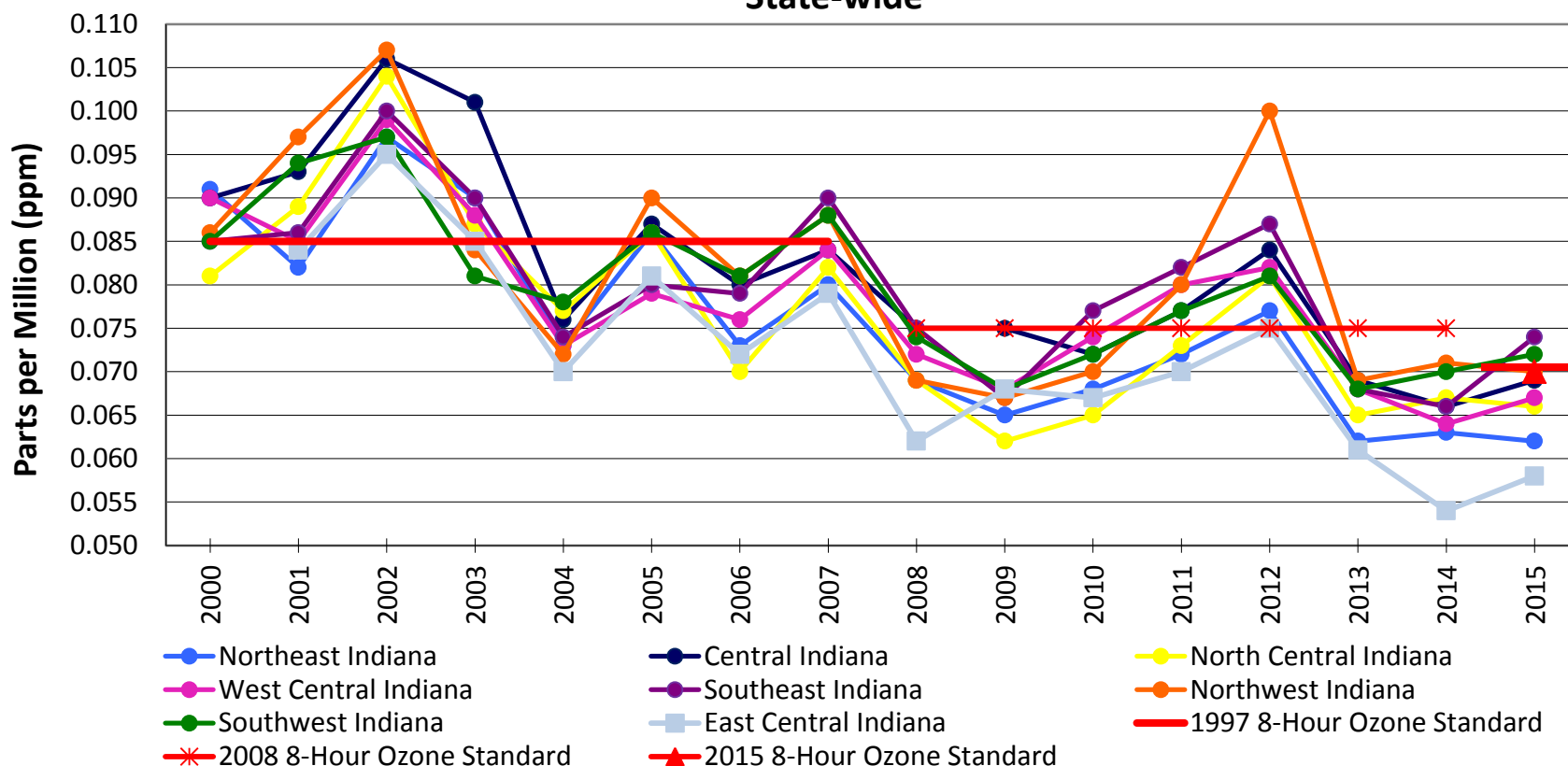
**Ozone 8-Hour
Design Values
(3-Year Average
4th High Daily
Maximum)**

**Based on
2013 - 2015
Monitoring Data**

*Standard set at
0.070 ppm*

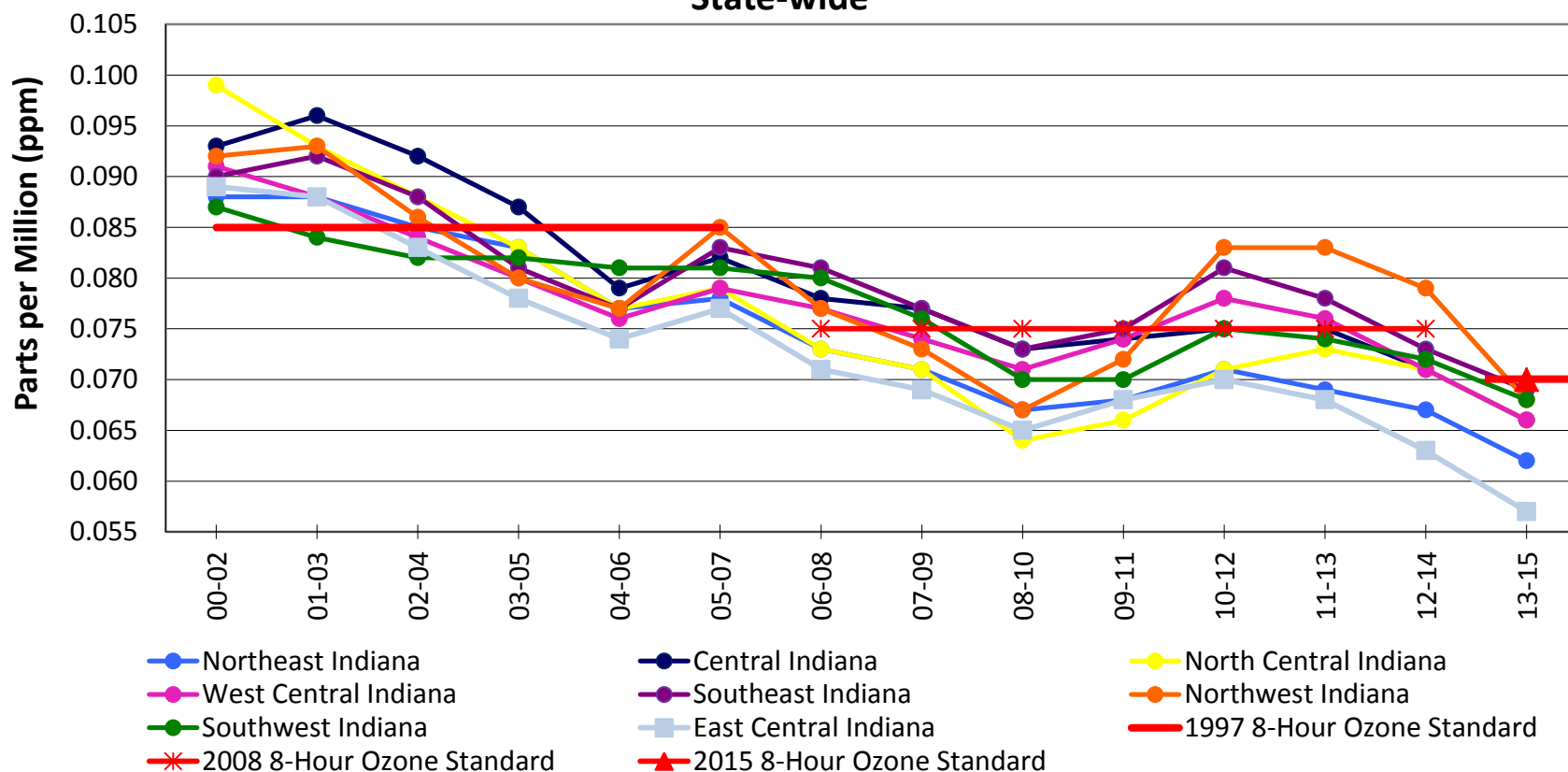
Ozone

**Ozone 4th - High Values Monitor Trend Chart
State-wide**



Ozone

**Ozone Design Values Highest Monitor Trend Chart
State-wide**



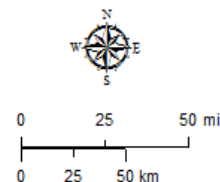
Sulfur Dioxide

Legend

● SO₂ Monitor With Design Value Less Than or Equal to 75 ppb

✚ SO₂ Monitor With Design Value Greater Than 75 ppb

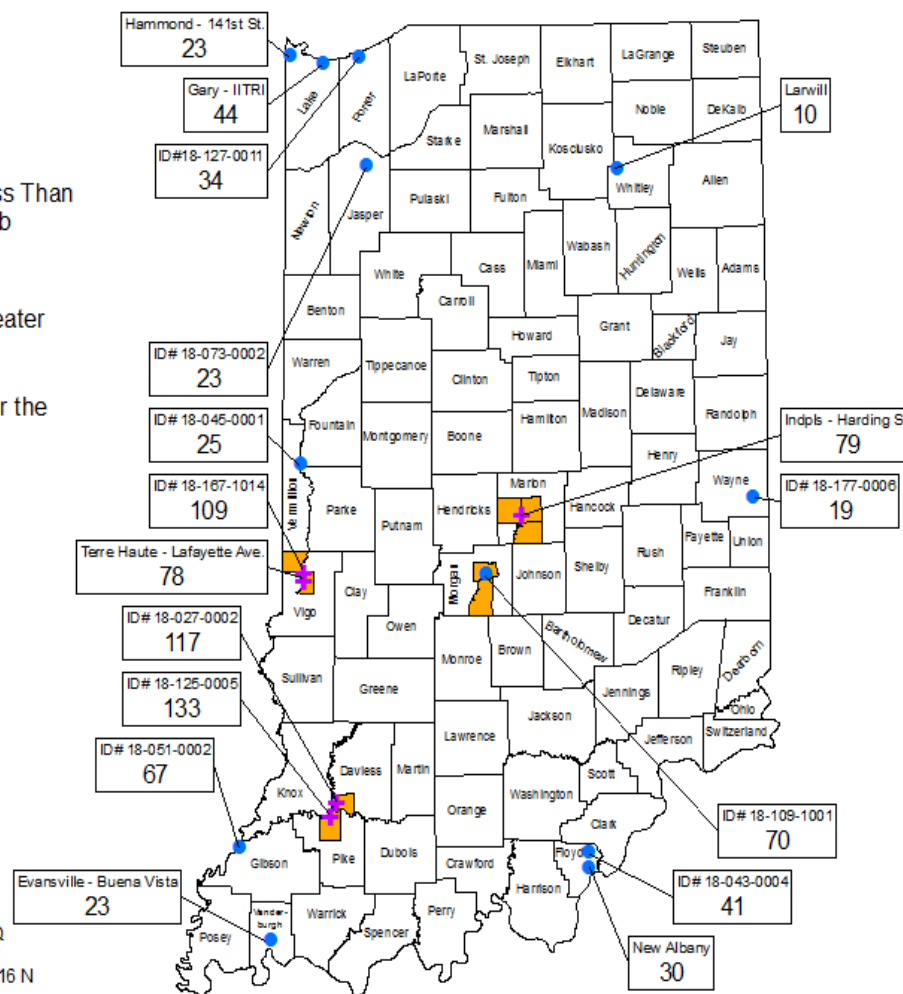
■ Nonattainment for the 2010 1-Hour SO₂ Standard



Notes:

- Posted Data Represent 1-Hour Average Design Values, 2013 - 2015
- Posted Data are in Units of Parts Per Billion (ppb)

Date: 03/30/2016
Mapped by: C. Mitchell, OAQ
Sources: Office of Air Quality
Map Projection: UTM Zone 16 N
Map Datum: NAD83



SO₂ 1-Hour Design Values 2013 - 2015

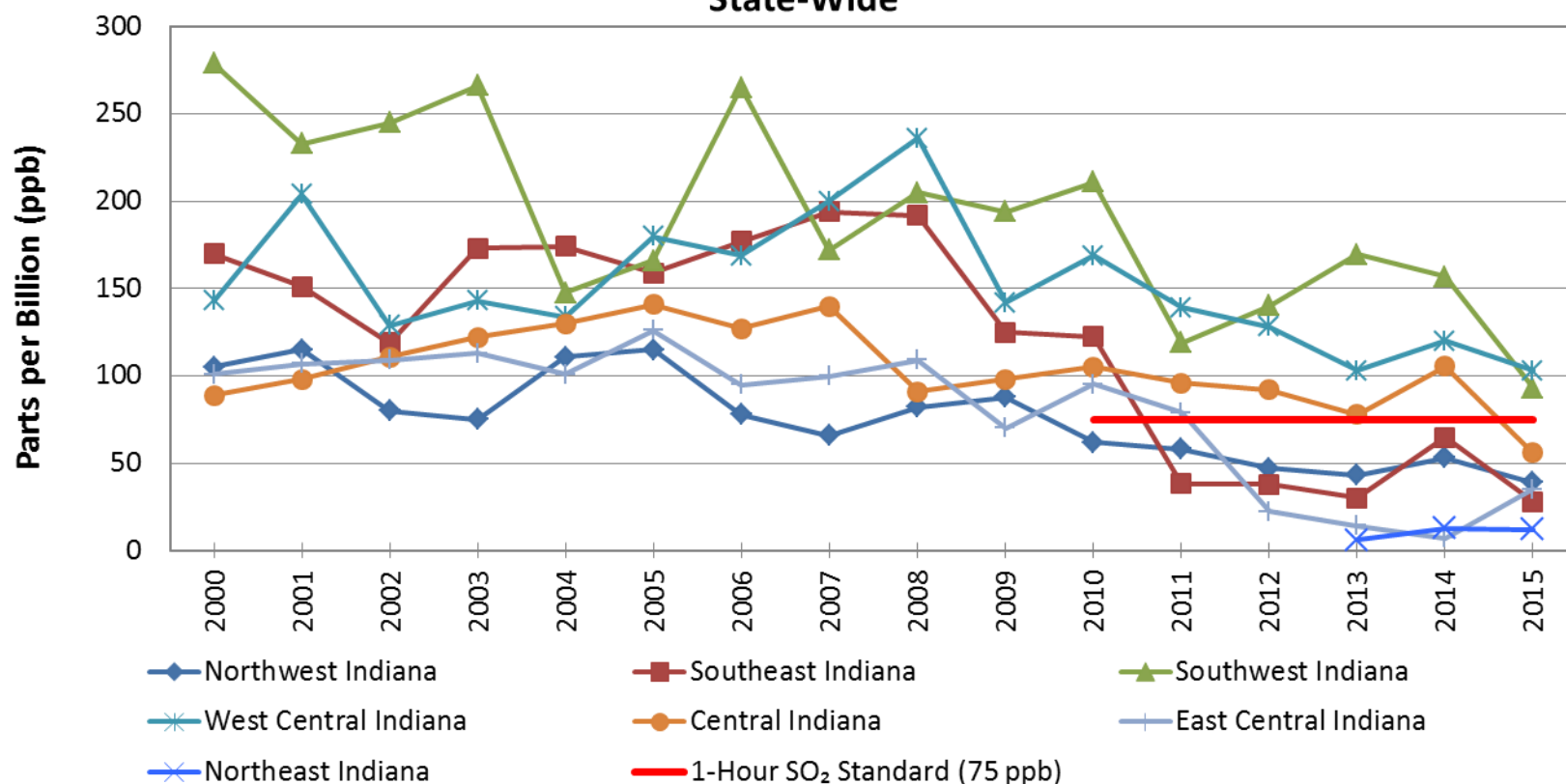
and
SO₂ Nonattainment Areas

Standard Set at 75 ppb

County	Nonattainment Area
Marion	Center Township
	Perry Township
	Wayne Township
Morgan	Clay Township
	Washington Township
Daviess	Veale Township
Pike	Washington Township
Vigo	Fayette Township
	Harrison Township

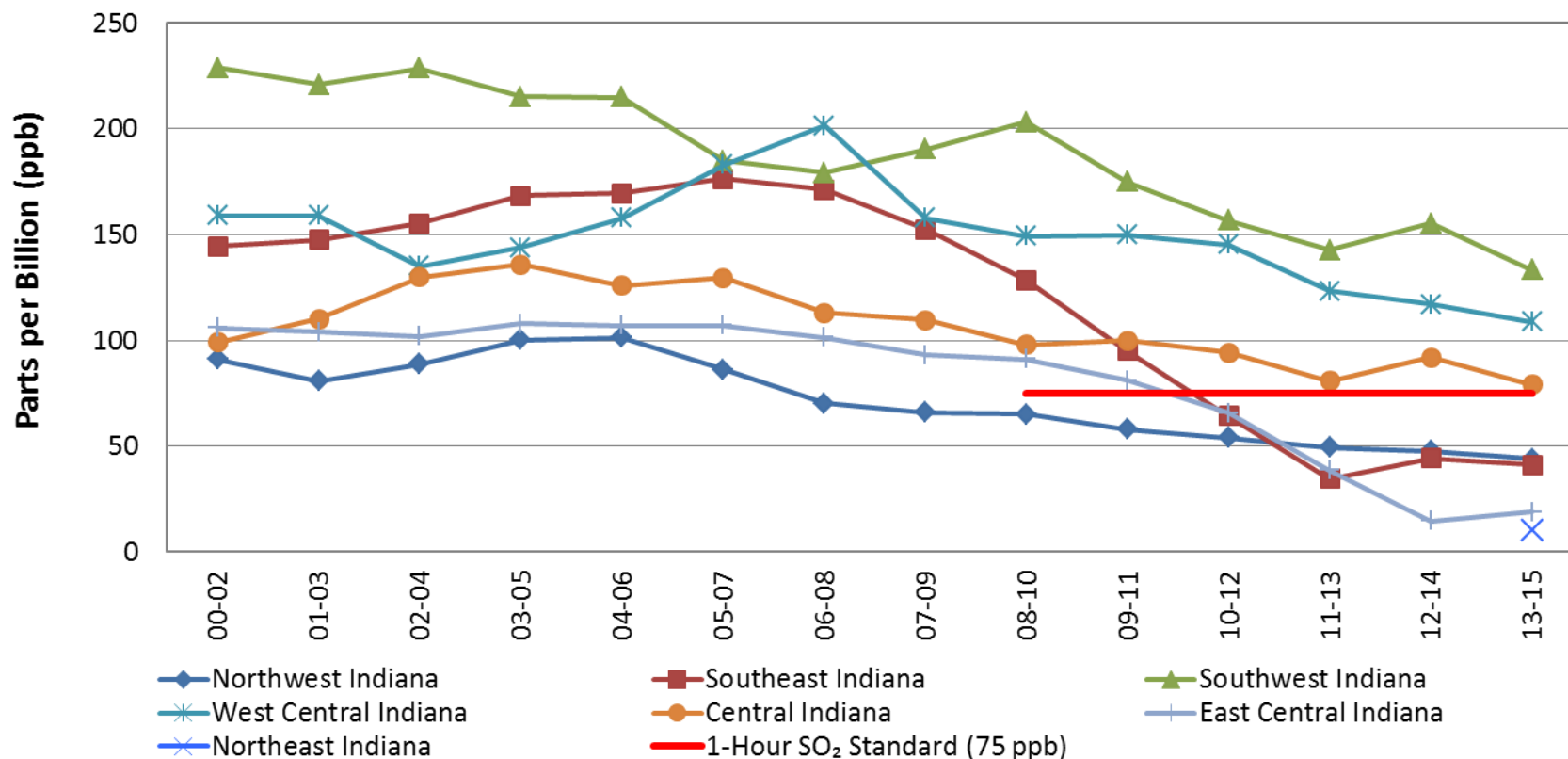
Sulfur Dioxide

SO₂ 4th - High Value Highest Monitor Trend Chart
State-Wide



Sulfur Dioxide

SO₂ 1-Hour Design Value Highest Monitor Trend Chart
State-Wide



2016 Legislation

- Excess Liability Trust Fund
 - Clarifies eligibility requirements for fund access.
- Legitimate Use of Waste
 - Allows for the legitimate use of solid and hazardous waste.

Coal Combustion Residuals

- The federal rules are self-implementing with enforcement through citizen suits
- EPA has indicated states may extend compliance schedules if they amend their Solid Waste Management Plans
- Emergency Rule passed to provide IDEM authority to regulate surface impoundments containing CCR
- Indiana's Solid Waste Plan is being amended to address CCR and criteria for extending compliance deadlines
- IDEM will be updating its solid waste disposal rules to conform with EPA disposal requirements and incorporate surface impoundment regulations

Emergency Rule

Amending 326 IAC 7-3-1

- The Environmental Rules Board passed an Emergency Rule on May 11, 2016.
- The rule requires continued operation of existing monitoring sites located in nonattainment areas under the 2010 1-hour SO₂.
 - Applies to three nonattainment areas (parts of Davies, Morgan, Pike, and Vigo counties).
 - Affects three sources (Eagle Valley-IPL, Petersburg-IPL, Wabash-Duke).
 - The source must operate monitors until the Commissioner of IDEM grants a waiver.
 - Allows affected sources to recover associated costs.
- The emergency rule is effective for 90 days, after which the agency must request further action by the Board.

Applicability of RCRA Corrective Action Laws to Current Owners of Hazardous Waste Disposal Sites

IDEM has determined that its authority to order corrective actions under RCRA, I.C. § 13-22-13 *et al.*, and related federal and state rules and regulations, **does not** extend to subsequent owners of hazardous waste facilities if the subsequent owner did not operate such a facility on the site, did not seek or receive a permit to do so, and was not required to seek or receive such a permit.

www.in.gov/idem/files/npd-waste-0067.pdf

Technical Review Panel

- Pilot Project for Resolving Technical Disputes
- Applies to State Cleanup and VRP sites
- Panel Composed of Subject Matter Experts within IDEM but outside of Remediation Program
- Available once internal review concurs there is an impasse and the consultant requests review by the Panel

Lead in Drinking Water

- In January and February, IDEM requested an update from all 789 community public water systems regarding the locations of their lead service lines. The responses are available on IDEM's virtual file cabinet.
- During the most recent legislative session, the Indiana General Assembly passed SEA 93 which provides that schools are to be supplied safe drinking water from their public water system.
- When systems have a lead exceedance, a certified copy of the lead consumer public notification sent to ratepayers must be submitted to IDEM in accordance with the federal rule, and the notification will be posted to IDEM's virtual file cabinet.
- IDEM has taken steps to improve the administration of the drinking water program by developing and implementing "lab-to-state" wherein certified laboratories submit their drinking water sampling results electronically.

Clean Power Plan

“The application for a stay submitted to The Chief Justice and by him referred to the Court is granted. The Environmental Protection Agency’s “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,” 80 Fed. Reg. 64,662 (October 23, 2015), is stayed pending disposition of the applicants’ petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants’ petition for a writ of certiorari, if such writ is sought.”

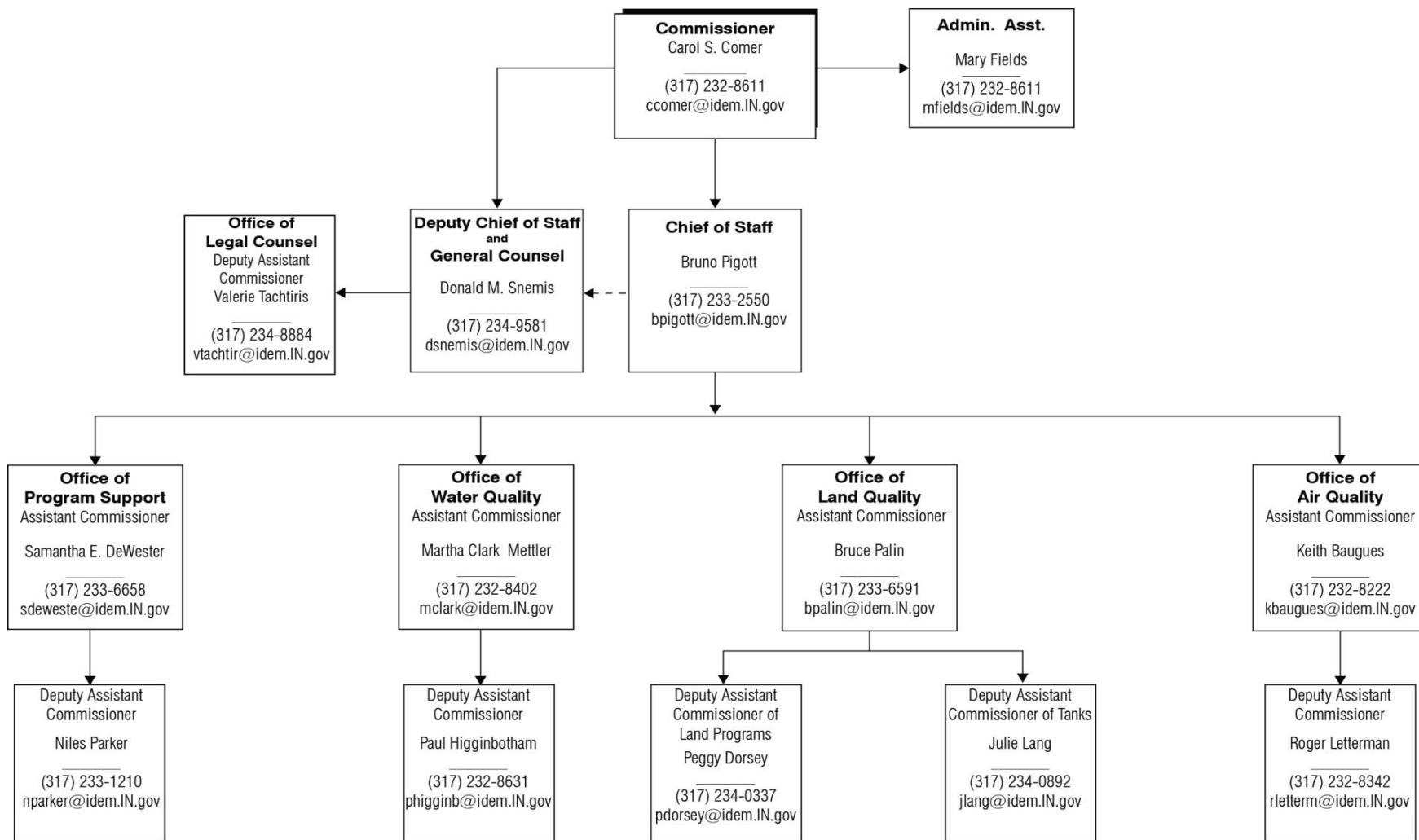
Murray Energy Corp. et al. v. EPA et al., U.S. Supreme Court, February 9, 2016

Waters of the United States

“Accordingly, on due review of the relevant considerations in light of the briefs filed by petitioners, respondents and intervenors, and in the exercise of our discretion, we GRANT petitioners’ motion for stay. The Clean Water Rule is hereby STAYED, nationwide, pending further order of the court.”

In re: Environmental Protection Agency and Department of Defense Final Rule; “Clean Water Rule: Definition of the Waters of the United States,” Sixth Circuit District Court, October 9, 2015

IDEM Leadership



Questions?

Carol S. Comer
Commissioner

Indiana Department of Environmental Management

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